

Commonwealth of Kentucky
Before the Public Service Commission

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OCT 13 2005

PUBLIC SERVICE
COMMISSION

In the Matter of:)
THE JOINT APPLICATION OF DUKE ENERGY) Case No. 2005-00228
CORPORATION, DUKE ENERGY HOLDING)
CORP., DEER ACQUISITION CORP., COUGAR)
ACQUISITION CORP., CINERGY CORP., THE)
CINCINNATI GAS AND ELECTRIC COMPANY,)
AND THE UNION LIGHT, HEAT AND POWER)
COMPANY FOR APPROVAL OF A TRANSFER)
AND ACQUISITION OF CONTROL)

ATTORNEY GENERAL'S
NOTICE OF FILING
WITH MOTION TO TRUNCATE

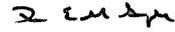
The Attorney General gives Notice that he is filing his response to the Public Service Commission's request for information. He is also tendering his response to the Joint Applicants' request for information.

Because the parties appear to have reached an agreement-in-principle for a settlement, the Attorney General moves to Truncate the filing requirement for his response to the Joint Applicants' request for information. He will supply one photocopy of the response to the Joint Applicants, one photocopy to Kroger, and file the response to with the Commission. Due to the voluminous nature of the response, he asks to be relieved of the requirement to file an additional seven photocopies with the Commission. If there is no settlement or upon denial of this motion, the Attorney General commits to filing the remaining copies as soon as is practical and reasonable.

WHEREFORE, the Attorney General submits this Notice and Motion.

Respectfully submitted,

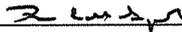
GREGORY D. STUMBO
ATTORNEY GENERAL



David Edward Spenard
Dennis G. Howard II
Assistant Attorneys General
1024 Capital Center Drive, Suite 200
Frankfort, Kentucky 40601-8204
502-696-5453
(FAX) 502-573-8315

Notice of Filing and Certificate of Service

Counsel certifies filing of the original and ten photocopies of this Notice and Motion by hand delivery to Beth O'Donnell, Executive Director, Public Service Commission, 211 Sower Boulevard, Frankfort, Kentucky 40601; furthermore, service of the filing was by mailing a true and correct of the same, first class postage prepaid, to John J. Finnigan, Jr., The Union Light, Heat and Power Company, 139 East Fourth Street, Cincinnati, Ohio, 45202; Kodwo Ghartey-Tagoe, Duke Power, P. O. Box 1244, Mail Code: PB05E, Charlotte, North Carolina 28201; Michael L. Kurtz, Boehm, Kurtz, & Lowry, 36 East Seventh Street Suite 1510, Cincinnati, Ohio 45202; Paul R. Newton, Duke Power P. O Box 1244, Mail Code: PB05E, Charlotte, North Carolina 28201; Kate E. Moriarty, The Union Light, Heat and Power Company, 139 East Fourth Street, Cincinnati, Ohio 45202; Ronald J. Brothers, 1000 East Main Street, Plainfield, Indiana 46168; Kelley A. Karn, 1000 East Main Street, Plainfield, Indiana, 46168; and Robert M. Watt III, Stoll, Keenon & Park, LLP, 300 West Vine Street, Suite 2100, Lexington, Kentucky 40507-1093, all on this 13 day of October 2005.



Assistant Attorney General